

*Steven D. Grierson*

Electronically Filed  
Jan 28 2021 01:48 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. C-10-269095-1

Dept. No. 9

IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF CLARK

\* \* \* \* \*

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
DUSTIN BARRAL, )  
 )  
Defendant. )

NOTICE OF APPEAL

NOTICE IS GIVEN that Defendant, DUSTIN BARRAL,  
in pro se, hereby appeals to the Nevada Supreme Court the  
~~Order Denying Defendant's Pro Per Motion to Correct Illegal Sentence and Motion for Judicial Action on Motion to Correct Illegal Sentence~~  
filed/entered on or about the 18<sup>th</sup> day of December, 2020,  
in the above-entitled Court.

Dated this 11<sup>th</sup> day of January, 2021.

*Dustin Barral*  
Dustin Barral # 11080615  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Defendant In Pro Se

RECEIVED

JAN 19 2021

CLERK OF THE COURT

LCC LL FORM 26.064

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 11<sup>th</sup> day of January, 20 21, by placing same in the U.S. Mail via prison law library staff:

District Attorney's Office

200 Lewis Ave

LV, NV 89155

Dustin Barra # 1103615  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. C-10-269095-1 does not contain the social security number of any person.

Dated this 11<sup>th</sup> day of January, 20 21.

Dustin Barra

Defendant In Pro Se

Dishon Barrel # 11086015

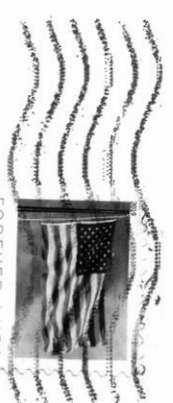
LCC

1200 Prison Rd

Las Vegas, NV 89419

GENO NV 895

12 JAN 2021 PM 2 T



Regional Justice Center  
Attn: District Court Dept 9

200 Lewis Ave  
LV, NV 89155

**INMATE LEGAL  
MAIL CONFIDENTIAL**

6910136300



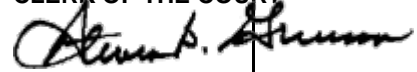
mailed on 1/11/21

RECEIVED *JD*

JAN 11 2021

LCO LAW LIBRARY

mailed on 1/11/21



1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 DUSTIN JAMES BARRAL,

13 Defendant(s),

Case No: C-10-269095-1

Dept No: IX

14  
15  
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Dustin Barral

18 2. Judge: Cristina D. Silva

19 3. Appellant(s): Dustin Barral

20 Counsel:

21 Dustin Barral #1108615  
22 1200 Prison Rd.  
23 Lovelock, NV 89419

24 4. Respondent: The State of Nevada

25 Counsel:

26 Steven B. Wolfson, District Attorney  
27 200 Lewis Ave.  
28 Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: November 17, 2010

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 64135, 74288

12. Child Custody or Visitation: N/A

Dated This 22 day of January 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Dustin Barral

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. C-10-269095-1**

State of Nevada  
vs  
Dustin Barral

§  
§  
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§  
§

Location: **Department 9**  
Judicial Officer: **Silva, Cristina D.**  
Filed on: **11/17/2010**  
Case Number History:  
Cross-Reference Case Number: **C269095**  
Defendant's Scope ID #: **2755494**  
ITAG Booking Number: **1000042105**  
ITAG Case ID: **1840309**  
Lower Court Case # Root: **10F14936**  
Lower Court Case Number: **10F14936X**  
Supreme Court No.: **64135**  
**74288**

**CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE	200.366.3c	F	07/10/2010	Case Status:	<b>09/29/2017 Closed</b>
<i>Filed As:</i> SEXUAL ASSAULT VICTIM UNDER 14	F		11/29/2010		
2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT	200.508.1b1	F	07/10/2010		
<i>Filed As:</i> SEXUAL ASSAULT VICTIM UNDER 14	F		11/17/2010		

**Statistical Closures**

09/29/2017 Guilty Plea with Sentence (before trial) (CR)  
09/23/2013 Guilty Plea with Sentence (before trial) (CR)

**Bonds**

Surety #S100-01577001 \$50,000.00  
8/6/2010 Active  
9/19/2013 Exonerated  
Counts: 1


**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number C-10-269095-1  
Court Department 9  
Date Assigned 04/29/2019  
Judicial Officer Silva, Cristina D.

**PARTY INFORMATION**

		Lead Attorneys
<b>Defendant</b>	<b>Barral, Dustin James</b>	<b>Pro Se</b>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

11/17/2010  Criminal Bindover  
11/29/2010

**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

	 Information <i>Information</i>
12/13/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporters Transcript of Waiver of Preliminary Hearing on November 15, 2010</i>
04/12/2011	 Motion to Continue Trial Filed By: Defendant Barral, Dustin James <i>Notice of Motion and Motion to Continue Trial</i>
05/23/2011	 Substitution of Attorney Filed by: Defendant Barral, Dustin James
07/08/2011	 Motion to Continue Filed By: Defendant Barral, Dustin James <i>Motion to Continue Calendar Call and Jury Trial</i>
10/05/2012	 Motion to Continue <i>Motion to Continue Calendar Call and Jury Trial</i>
02/27/2013	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
03/11/2013	 Supplemental Witness List <i>Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
05/28/2013	 Request <i>Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
05/28/2013	 Jury List <i>Jury List</i>
05/29/2013	 Opposition <i>State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
05/30/2013	 Amended Information <i>Amended Information</i>
05/31/2013	 Amended Jury List <i>Amended Jury List</i>
05/31/2013	 Instructions to the Jury <i>Instructions to the Jury</i>
05/31/2013	 Verdict <i>Verdict</i>
06/07/2013	 Motion <i>Motion for Acquittal or In the Alternative a New Trial</i>



**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

06/20/2013	 Opposition to Motion <i>State's Opposition to Defendant Motion for Acquittal or in the Alternative a New Trial</i>
06/28/2013	 Reply to Opposition <i>Reply to State's Opposition to Defendant's Motion for Acquittal or In the Alternative a New Trial</i>
06/28/2013	 Order Denying <i>Order Denying Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
07/19/2013	 Order Denying <i>Order Denying Defendant's Motion for Acquittal or in The Alternative a New Trial</i>
09/05/2013	 PSI
09/23/2013	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
09/23/2013	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
09/27/2013	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
09/27/2013	 Case Appeal Statement <i>Case Appeal Statement</i>
09/27/2013	 Request <i>Request for Rough Draft Transcript</i>
11/20/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 1 - Volume I May 28, 2013</i>
11/20/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 2 - Volume II May 29, 2013</i>
11/20/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 3 - Volume III May 30, 2013</i>
11/20/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 4, Volume IV May 31, 2013</i>
11/20/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Defendant's Motion for Acquittal or in the Alternative a New Trial July 8, 2013</i>
02/27/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings NRS 51.385 Hearing, heard on May 29, 2013</i>
02/27/2014	 Recorders Transcript of Hearing <i>Transcript of Proceedings NRS 51.385 Hearing, heard on May 30, 2013</i>















# CASE SUMMARY

CASE NO. C-10-269095-1

12/30/2015	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing Denied; Petition Denied</i>
07/12/2016	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>Nevada Supreme Court Clerk's Certificate Judgment - Reversed and Remand; Rehearing Denied; Petition Denied</i>
08/17/2016	 Notice <i>Notice to Place on Calendar</i>
08/25/2016	 Order for Production of Inmate <i>Order for Production of Inmate</i>
09/20/2016	 Motion <i>Defendant's Motion for Own recognizance Release or in the Alternative Reasonable Bail and/or House Arrest</i>
09/23/2016	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Own Recognizance Release or in the Alternative Reasonable Bail and/or House Arrest</i>
05/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings State's Notice to Place on Calendar of the Purpose of Setting Trial Date. Heard on September 14, 2016</i>
05/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings Defendant's Motion For Own Recognizance Release or In The Alternative Reasonable Bail and/or House Arrest. Heard on October 17, 2016.</i>
05/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings Defendant's Motion for Own Recognizance Release or in The Alternative Reasonable Bail and/or House Arrest. Heard on September 26, 2016.</i>
05/22/2017	 Amended Information <i>Second Amended Information</i>
05/22/2017	 Guilty Plea Agreement
08/02/2017	 Recorders Transcript of Hearing <i>TRANSCRIPT OF PROCEEDINGS STATE S REQUEST ENTRY OF PLEA. HEARD ON MAY 22, 2017</i>
08/25/2017	 PSI
08/25/2017	 PSI - Psychosexual Evaluation
08/30/2017	 Order <i>Order to File Exhibit(s) Under Seal</i>
09/06/2017	 Filed Under Seal <i>Notice of Manual Filling of Exhibit "1" of the State's Sentencing Memorandum to be Filed</i>








**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

*Under Seal*

09/06/2017	 Memorandum <i>State's Sentencing Memorandum</i>
09/15/2017	 Memorandum Filed By: Defendant Barral, Dustin James <i>Defendant's Sentencing Memorandum</i>
09/18/2017	 Exhibits <i>Exhibits in Support of Sentencing for Dustin James Barral</i>
09/29/2017	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (PLEA OF GUILTY-ALFORD)</i>
10/13/2017	 Notice of Appeal (criminal) Party: Defendant Barral, Dustin James <i>Notice of Appeal</i>
10/25/2017	 Case Appeal Statement Filed By: Defendant Barral, Dustin James <i>Case Appeal Statement</i>
10/25/2017	 Request Filed by: Defendant Barral, Dustin James <i>Request for Rough Draft Transcript</i>
12/01/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings Sentencing. Heard on September 18, 2017</i>
10/30/2018	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
04/29/2019	Case Reassigned to Department 9 <i>Judicial Reassignment to Department 9 - Judge Cristina Silva</i>
10/26/2020	 Motion Filed By: Defendant Barral, Dustin James <i>Motion for Judicial Action on Motion to Correct Illegal Sentence</i>
11/09/2020	 Motion for Withdrawal Filed By: Defendant Barral, Dustin James <i>Motion for Withdrawal of Attorney of Record</i>
11/09/2020	 Motion Filed By: Defendant Barral, Dustin James <i>Motion to Correct Illegal Sentence</i>
11/09/2020	 Request Filed by: Defendant Barral, Dustin James <i>Request for Submission of Motion</i>
11/09/2020	 Request

**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

*Request for Submission of Motion*




11/10/2020	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Judicial Action on Motion to Correct Illegal Sentence</i>
11/24/2020	 Order Granting Motion <i>Order Granting Defendant's Motion for Withdrawal of Attorney of Record</i>
12/18/2020	 Order Denying Motion <i>Order Denying Defendant's Pro Per Motion to Correct Illegal Sentence and Motion for Judicial Action on Motion to Correct Illegal Sentence</i>
12/28/2020	 Motion Filed By: Defendant Barral, Dustin James <i>Motion for Telephonic Hearing</i>
12/28/2020	 Reply to Opposition Filed by: Defendant Barral, Dustin James <i>Reply to States Opposition to Motion for Judicial Action on Motion to Correct Illegal Sentence</i>
01/22/2021	 Notice of Appeal (criminal) Party: Defendant Barral, Dustin James <i>Notice of Appeal</i>
01/22/2021	 Case Appeal Statement Filed By: Defendant Barral, Dustin James <i>Case Appeal Statement</i>

**DISPOSITIONS**



12/01/2010	<b>Plea</b> (Judicial Officer: Smith, Douglas E.) 1. SEXUAL ASSAULT VICTIM UNDER 14 Not Guilty PCN:   Sequence:  2. SEXUAL ASSAULT VICTIM UNDER 14 Not Guilty PCN:   Sequence:
09/18/2013	<b>Disposition</b> (Judicial Officer: Smith, Douglas E.) 1. ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE Guilty PCN:   Sequence:  2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT Guilty PCN:   Sequence:
09/18/2013	<b>Adult Adjudication</b> (Judicial Officer: Smith, Douglas E.) 1. ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE 07/10/2010 (F) 200.366.3c (DC50123) PCN:   Sequence:

# CASE SUMMARY

CASE NO. C-10-269095-1

	<p>Comment (Count 1 - 420 Months to Life) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:35 Years</p>
09/18/2013	<p><b>Adult Adjudication</b> (Judicial Officer: Smith, Douglas E.) 2. CHILD ABUSE, NEGLECT, OR ENDANGERMENT 07/10/2010 (F) 200.508.1b1 (DC55226) PCN: Sequence:</p>
	<hr/> <p>Comment (Count 2 - 420 Months to Life.) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:35 Years Concurrent: Charge 1 Credit for Time Served: 111 Days Condition 1. Lifetime Supervision 2. Register As A Sex Offender Comment: A special SENTENCE OF LIFETIME SUPERVISION to commence upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody. Other Fees 1. , \$1,890.00 Comment (\$253. ADM \$150. DNAF)</p>
	<p><b>HEARINGS</b></p>
12/01/2010	<p> <b>Initial Arraignment</b> (10:30 AM) (Judicial Officer: De La Garza, Melisa) Events: 11/17/2010 Criminal Bindover Plea Entered; Journal Entry Details: <i>DEFT. BARRAL ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. BOND 5/18/11 8:30 AM CALENDAR CALL (DEPT. 8) 5/23/11 10:30 AM JURY TRIAL (DEPT. 8) ;</i></p>
04/25/2011	<p> <b>Motion to Continue Trial</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <b>04/25/2011, 05/02/2011</b> Events: 04/12/2011 Motion to Continue Trial <i>Notice of Motion and Motion to Continue Trial</i> Matter Continued; Notice of Motion and Motion to Continue Trial Motion Granted; Notice of Motion and Motion to Continue Trial Journal Entry Details: <i>COURT ORDERED, motion GRANTED. Trial date is VACATED and RESET. BOND 08-24-11 8:00 AM CALENDAR CALL 08-29-11 10:30 AM TRIAL BY JURY ;</i> Matter Continued; Notice of Motion and Motion to Continue Trial Motion Granted; Notice of Motion and Motion to Continue Trial Journal Entry Details: <i>Counsel requested a two day continuance as Ms. Luzaich with the State is unavailable. Court advised it will be out of the jurisdiction as that time and ORDERED, matter CONTINUED. BOND 05-02-11 8:00 AM DEFT'S MOTION TO CONTINUE TRIAL ;</i></p>
05/18/2011	<p><b>CANCELED Calendar Call</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i></p>
05/23/2011	<p><b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i></p>
07/18/2011	<p> <b>Motion to Continue</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/08/2011 Motion to Continue</p>

**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

	<p><i>Motion to Continue Calendar Call and Jury Trial</i>  Motion Granted; Motion to Continue Calendar Call and Jury Trial  Journal Entry Details:  <i>State advised of non-opposition and noted trial length of 3-4 days. COURT ORDERED, motion GRANTED. Trial date VACATED and RESET. BOND 11-02-11 8:00 AM CALENDAR CALL 11-07-11 10:30 AM TRIAL BY JURY (FIRM SETTING) ;</i></p>
08/24/2011	<p><b>CANCELED Calendar Call</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.)  <i>Vacated and RESET</i></p>
08/29/2011	<p><b>CANCELED Jury Trial</b> (9:30 AM) (Judicial Officer: Smith, Douglas E.)  <i>Vacated and RESET</i></p>
11/02/2011	<p> <b>Calendar Call</b> (8:00 AM) (Judicial Officer: Thompson, Charles)  Matter Heard;  Journal Entry Details:  <i>State advised case is close to negotiations and noted evaluation needed to be completed prior to change of plea. COURT ORDERED, trial date VACATED and matter SET for status check regarding possible negotiations. BOND 11-16-11 8:00 AM STATUS CHECK: NEGOTIATIONS/RESETTING OF TRIAL ;</i></p>
11/07/2011	<p><b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Smith, Douglas E.)  <i>Vacated</i></p>
11/16/2011	<p> <b>Status Check</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.)  <b>11/16/2011, 12/14/2011, 01/11/2012, 01/25/2012, 02/22/2012, 03/07/2012</b>  <i>Status Check: Negotiations/Resetting of Trial</i>  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Trial Date Set; Status Check: Negotiations/Resetting of Trial  Journal Entry Details:  <i>State advised matter had not resolved. COURT ORDERED, matter SET for trial. BOND 10-10-12 8:00 AM CALENDAR CALL 10-15-12 10:30 AM TRIAL BY JURY ;</i>  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Trial Date Set; Status Check: Negotiations/Resetting of Trial  Journal Entry Details:  <i>At the request of parties, COURT ORDERED, matter CONTINUED. BOND 03-07-12 8:00 AM Status Check: Negotiations/Resetting of Trial ;</i>  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Trial Date Set; Status Check: Negotiations/Resetting of Trial  Journal Entry Details:  <i>Counsel requested continuance as evaluation was received yesterday and time is needed to review. COURT ORDERED, matter CONTINUED. Parties to provide the Court with copy of evaluation. BOND 02-22-12 8:00 AM Status Check: Negotiations/Resetting of Trial ;</i>  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial  Matter Continued; Status Check: Negotiations/Resetting of Trial</p>

# CASE SUMMARY

CASE NO. C-10-269095-1

Matter Continued; Status Check: Negotiations/Resetting of Trial

Trial Date Set; Status Check: Negotiations/Resetting of Trial

Journal Entry Details:

*Counsel advised doctor would not release report until Deft. had paid and requested a continuance. COURT ORDERED, matter CONTINUED and Deft. to be present or bench warrant will be issued. BOND 1/25/12 8:00 AM STATUS CHECK: NEGOTIATIONS/RESETTING OF TRIAL ;*

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Trial Date Set; Status Check: Negotiations/Resetting of Trial

Journal Entry Details:

*Parties advised Deft. is scheduled for evaluation on December 31, 2011 for purpose of negotiations and requested continuance. BOND 01-11-12 8:00 AM Status Check: Negotiations/Resetting of Trial ;*

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Matter Continued; Status Check: Negotiations/Resetting of Trial

Trial Date Set; Status Check: Negotiations/Resetting of Trial

Journal Entry Details:

*Matter recalled. State advised an evaluation is needed and requested a continuance. Matter recalled. Counsel present and stated no opposition. COURT ORDERED, matter CONTINUED. BOND 12-14-11 8:00 AM Status Check: Negotiations/Resetting of Trial ;*

10/10/2012



**Calendar Call (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

*Lisa Luzaich, Deputy District Attorney, present on behalf of Defendant. Defendant present out of custody and represented by Michael Castillo Esq. on behalf of Michael Becker Esq. Ms. Luzaich advised defense filed a motion to continue the trial as they will be in trial in California. MATTER TRAILED for defense counsel. RECALLED. Mr. Castillo advised he will submit on Mr. Becker's declaration. Upon Court's inquiry, Ms. Luzaich advised she objects to the continuance, however, she understands the continuance as Mr. Becker will be in California. COURT ORDERED, Defendant's Motion to Continue Trial GRANTED; trial date VACATED and RESET. FURTHER ORDERED, 10/15/2012 date for motion to continue VACATED. BOND 3/13/2013 8:00 AM CALENDAR CALL 3/18/2013 9:30 AM JURY TRIAL ;*

10/15/2012

**CANCELED Motion to Continue Trial (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

*Vacated - per Judge*

*Defendant's Motion to Continue Calendar Call and Jury Trial*

10/15/2012

**CANCELED Jury Trial (9:30 AM)** (Judicial Officer: Smith, Douglas E.)

*Vacated - per Judge*

03/13/2013



**Calendar Call (8:00 AM)** (Judicial Officer: Smith, Douglas E.)

Matter Heard;

Journal Entry Details:

*Matter recalled. State advised ready. Counsel advised not ready as Mr. Becker is currently in trial and requested continuance to the following week of this stack. State advised their witness officer is not available that week. COURT ORDERED, trial date VACATED and RESET. Parties advised trial length of one week. COURT SO NOTED. BOND 04-03-13 8:00 AM CALENDAR CALL 04-08-13 9:30 AM TRIAL BY JURY ;*

03/18/2013

**CANCELED Jury Trial (9:30 AM)** (Judicial Officer: Smith, Douglas E.)

*Vacated*






04/03/2013



**Calendar Call (8:00 AM)** (Judicial Officer: Smith, Douglas E.)



**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

	<p>Matter Heard; Journal Entry Details: <i>State advised ready with approximately 9 witnesses and trial length of 4 days. Defense advised ready with 1-2 witnesses. Colloquy regarding trial start time. COURT ORDERED, trial date STANDS. BOND 04-08-13 1:00 PM TRIAL BY JURY ;</i></p>
04/08/2013	<p><b>Jury Trial (1:00 PM)</b> (Judicial Officer: Smith, Douglas E.) Reset; Matter to be RESET</p>
04/10/2013	<p> <b>Status Check (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: RESETTING OF TRIAL</i> Trial Date Set; STATUS CHECK: RESETTING OF TRIAL Journal Entry Details: <i>Court advised the trial had to be continued as Ms. Luzaich's other trial ran longer than expected, pointed out no Senior Judge was available to hear the trial and noted it would be out of the country. Court inquired whether parties wanted case to be sent to Overflow. State advised they had called off their out of state witnesses. CONFERENCE AT THE BENCH. Court instructed counsel to contact witnesses regarding their availability for new trial setting and if they are unavailable, parties to place matter on the calendar of Judge Adair for new trial setting. Ms. Luzaich stated if there was a problem with the trial date, counsel will advise the hearing judge of the next trial date of July 29th. COURT SO NOTED and ORDERED, trial date SET. BOND 05-22-13 8:00 AM CALENDAR CALL 05-28-13 9:30 AM TRIAL BY JURY (FIRM SETTING) ;</i></p>
05/22/2013	<p> <b>Calendar Call (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) Matter Heard; Journal Entry Details: <i>Court advised it had a murder trial and ORDERED, matter REFERRED to Overflow with the caveat, if the murder trial is continued, this case will return to this department for trial. Trial date VACATED. BOND 05-24-13 8:45 AM OVERFLOW(8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES ;</i></p>
05/24/2013	<p> <b>Status Check (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: TRIAL SETTING</i> Trial Date Set; STATUS CHECK: TRIAL SETTING Journal Entry Details: <i>Mr. Becker stated this reeks of forum shopping by the State. Court advised it is not forum shopping as all are trying to find someone/anyone to hear the trial. Ms. Fleck advised they did not care who hear the trial. Mr. Becker requested this Court find another court to hear the trial not the State. Statement by Ms. Fleck regarding medical records. Matter recalled. Court advised it would hear the trial as its murder trial will trail this case and ORDERED, medical information is to be provided. Parties advised trial length of 3 days. FURTHER, trial date SET. BOND 05-28-13 9:30 AM TRIAL BY JURY ;</i></p>
05/24/2013	<p> <b>Overflow (8:45 AM)</b> (Judicial Officer: Villani, Michael) <i>OVERFLOW (8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES</i> Matter Heard; Journal Entry Details: <i>Michelle Edwards, Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present. State and Defense announced ready; however, the Court advised there is no Department available to hear the trial in this matter and, therefore, ORDERED, matter REFERRED back to the originating Department for status check. Additionally, Court directed counsel to contact Department VIII later today as there is a chance the trial could go forward in that Department as scheduled. BOND 05/29/13 8:00 AM STATUS CHECK: RESET TRIAL DATE ;</i></p>
05/28/2013	<p> <b>Jury Trial - FIRM (9:30 AM)</b> (Judicial Officer: Smith, Douglas E.) <b>05/28/2013-05/30/2013</b> Referred to Overflow</p>



**CASE SUMMARY**  
**CASE NO. C-10-269095-1**

Trial Continues;

Trial Continues;

Trial Continues;

Journal Entry Details:

*Amended Information FILED IN OPEN COURT. OUTSIDE THE PRESENCE OF THE JURY. 51.385 Hearing held and testimony presented. Court stated its findings and advised detective's testimony will be presented to the jury. Argument/objection by counsel. Argument by the State. Court advised once more, the detective's testimony and the cd interview will be allowed. 51.385 Hearing held and testimony presented. Statement by the parties. Court stated its findings and advised statements made to Megan will be allowed. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court advised the Deft. of his right to testify or not to testify. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel regarding. Partial playback of testimony and questions proffered. Further arguments by counsel. JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Argument by the State. Evening recess. 05-31-13 9:00 AM TRIAL BY JURY ;*

Referred to Overflow

Trial Continues;

Trial Continues;

Trial Continues;

Journal Entry Details:

*OUTSIDE THE PRESENCE OF THE JURY. State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069 FILED IN OPEN COURT. Argument by the State. Argument by counsel. 51.385 Hearing held and testimony presented. Court stated its findings and advised child will be allowed to testify before the jury. JURY PRESENT and SWORN. Clerk read the information to the Jury. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel. Colloquy regarding scheduling, jury instructions and next 51.385 hearing. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Evening recess. OUTSIDE THE PRESENCE OF THE JURY. 05-30-13 9:00 AM TRIAL BY JURY ;*

Referred to Overflow

Trial Continues;

Trial Continues;

Trial Continues;

Journal Entry Details:

*Deft's Request Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069. State placed offer given to Deft. on the record. Statement by Mr. Becker. Colloquy regarding 385 Hearings. Jury Alternates selected. POTENTIAL JURY PANEL PRESENT. Voir Dire begins. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Defense's Batson Challenge. Argument by the State noting Deft's S.C.O.P.E. reflects Deft's race as being White not Latino. Further arguments by counsel. Court stated its findings and ORDERED, challenge DENIED as no racial basis was found. POTENTIAL JURY PRESENT. Voir Dire continues. JURY SELECTED. OUTSIDE THE PRESENCE OF THE JURY. Evening recess. 05-29-13 10:00 AM TRIAL BY JURY ;*

05/29/2013

**CANCELED Status Check (8:00 AM)** (Judicial Officer: Smith, Douglas E.)  
*Vacated - Moot*  
*Status Check: Reset Trial Date*

05/31/2013

# CASE SUMMARY

CASE NO. C-10-269095-1



**Jury Trial** (9:00 AM) (Judicial Officer: Smith, Douglas E.)

Trial Continues;

Journal Entry Details:

*Deputy District Attorney Michelle Fleck present. OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict form SETTLED IN OPEN COURT. The Court advised Defendant of his right to testify on his own behalf. Defendant stated he understood. JURY PRESENT: Counsel stipulated to the presence of the Jury. At the hour of 9:44 AM, the State RESTED. At the hour of 9:44 AM, defense RESTED. The Court instructed the Jury on the laws which applied to the case. Closing Arguments by Ms. Fleck. Closing Arguments by Mr. Becker. Rebuttal Arguments by Ms. Edwards. Bailiff and Matron sworn to keep the Jury. At the hour of 12:00 PM the Jury retired to deliberate. At the hour of 3:00 PM, the Jury returned with a verdict of GUILTY OF CTS. 1 AND 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) . Jury polled. Court thanked and excused the Jury. COURT ORDERED, defendant REMANDED WITHOUT BAIL. Matter referred to P & P and set for sentencing. CUSTODY 8/12/13 8:00 AM SENTENCING CLERK'S NOTE: The Minutes corrected to reflect a correct Sentencing date of 8/12/13 at 8:00 AM. The date given in Court was an incorrect date and the Judge was unavailable. Counsel notified by phone and by a copy of the Minutes. BJC CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Deputy District Attorneys Michelle Fleck and Michelle Edwards (District Attorney's Office); Michael Becker and Michael Castillo, Esq. (702 Defense). ;*

06/17/2013



**Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

06/17/2013, 07/08/2013

*Defendant's Motion for Acquittal or in the Alternative a New Trial*

Matter Continued; Defendant's Motion for Acquittal or in the Alternative a New Trial Denied;

Journal Entry Details:

*Mr. Castillo argued regarding grounds #1 and #2, arguing the State was required to prove penetration in that the case hinged on Jocelyn's testimony using the words dig or dug and that alone is not-sufficient as to penetration. Further, there was conflicting evidence presented between Meagan, in terms of the baby monitor, and Jocelyn's testimony. Mr. Becker argued regarding ground #3 stating that the NRS regarding oaths to jury venires; that was not done and it was brought to the attention of the Court and it preserved the issue as an objection. Ms. Edwards argued as to conflicting evidence stating counsel is only relying on testimony regarding the monitor, there is no testimony that she didn't fall asleep or otherwise. As to the oath issue, there are two oaths in a trial, this relies and centers upon whether it was given before voir dire started there was a bench bar about that and the site they referenced addresses the actual jury panel, not the jury venire. The jury is the finder of fact and they found her words to constitute penetration. Court stated it does not swear a jury in until after they come back and evidence starts in case somebody doesn't show up we can we do not then have to declare a mistrial but we can call other potential jurors up and finish the voir dire process. Court stated it had analyzed the cases presented and does not find a reason to override the jury decision. Defendant got a fair trial and was represented zealously by two attorneys. COURT ORDERED, motion DENIED. State to prepare findings of facts and conclusions of law consistent with their opposition. ;*

Matter Continued; Defendant's Motion for Acquittal or in the Alternative a New Trial Denied;

Journal Entry Details:

*State requested continuance in order to file a response. COURT ORDERED, matter CONTINUED. CUSTODY 07-08-13 8:00 AM Defendant's Motion for Acquittal or in the Alternative a New Trial ;*

08/12/2013



**Sentencing** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

08/12/2013, 09/18/2013

Continued;

Defendant Sentenced;

Journal Entry Details:

*By virtue of Jury Verdict, DEFENDANT BARRAL ADJUDGED GUILTY of COUNTS 1 & 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Arguments by Counsel. Victim Impact Statements given. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and Restitution in the amount of \$1,890.00, Deft. SENTENCED on Count 1, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after*

# CASE SUMMARY

CASE NO. C-10-269095-1

FOUR HUNDRED TWENTY (420) MONTHS, and on Count 2, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 1, with ONE HUNDRED ELEVEN (111) DAYS credit for time served. COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION to commence upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody. BOND, if any, EXONERATED. NDC ;

Continued;

Defendant Sentenced;

Journal Entry Details:

Mr. Castillo noted the Pre-Sentence Investigation Report is not ready yet, informed he spoke to Deputy D.A. Michelle Fleck, and requested a Sentencing date in September prior to the 20th. COURT ORDERED, Sentencing CONTINUED. CUSTODY 9/18/13 8:00 AM SENTENCING ;

09/14/2016



**Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

State's Notice to Place on Calendar for the Purpose of Setting a Trial Date

Matter Heard; State's Notice to Place on Calendar for the Purpose of Setting a Trial Date

Journal Entry Details:

Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Castillo, Esq., and Adam Solinger, Esq., present on behalf of Deft. Barral, who is also present. The State placed this matter on calendar for the purpose of setting a trial date. Additionally, Ms. Jobe advised that Deft.'s bail also needs to be addressed. Court advised that it did not receive a bail motion; colloquy. If the Deft. wants his bail addressed, he must file a motion and then the State may respond. Mr. Castillo requested that the Deft. be REMANDED to the Clark County Detention Center (CCDC). COURT SO ORDERED; FURTHER, matter set for trial. NDC 05/31/17 8:00 AM CALENDAR CALL 06/05/17 9:30 AM JURY TRIAL ;

09/26/2016



**Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

09/26/2016, 10/17/2016

Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest

Matter Continued; Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest

Deferred Ruling; Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest

Journal Entry Details:

Michelle Jobe, Chf Dep DA, present on behalf of the State and Michael Castillo, Esq., appearing on behalf of Michael Becker, Esq., for Deft. Barral, who is also present. This is the time set for hearing on Deft.'s Motion for Own Recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest. Mr. Castillo advised that the Deft. is requesting that bail be set at \$50,000 with the added condition of House Arrest. Mr. Castillo believes the Deft. meets the statutory conditions for setting of reasonable bail based upon the factors set forth on pages 8 and 9 of their motion; Deft. has no prior criminal record, he is not a flight risk, he has family in the community who would attest to his character, he would reside with his mother in her home, and there would be no minors or anyone else present in the home. Additionally, the Deft. has a good prior employment history and has a job waiting for him upon setting of bail, he made all of his required court appearances, and there were no violations of the terms and conditions of his release. Deft. is constitutionally entitled to a bail setting; therefore, under the circumstances, \$50,000 with House Arrest is appropriate. Court noted that, unlike most cases, it has seen the evidence; colloquy. Ms. Jobe advised that the Deft.'s position has substantially changed since he was previously out of custody. There was a trial and the Jury found the Deft. guilty of two Counts of Sexual Assault with a Minor under Fourteen Years of Age. The most compelling piece of evidence was the video of the forensic interview with the 4-year-old child describing what the Deft. did to her. There is a substantial likelihood of another guilty verdict and the Deft. is facing thirty-five (35) years to Life. Since the Deft. has now had a taste of prison, Ms. Jobe believes he is a greater flight risk than before. Therefore, the State would request that bail be set in the amount of \$500,000, with House Arrest and a no-contact order with any minors, including his own children. COURT ORDERED, BAIL shall be set at \$125,000 EACH Count for a TOTAL of \$250,000, with House Arrest and no contact with minor children. Ms. Castillo requested that the Deft. be REMANDED to the Clark County Detention Center (CCC) if he does not make bail The Deft. is under the presumption of innocence, the conviction was overturned, and given that presumption if he is not able to make the bail, CCDC is the only appropriate place for him. COURT FURTHER ORDERED,

# CASE SUMMARY

CASE NO. C-10-269095-1

decision DEFERRED, the Court will review this matter and prepare a formal written minute order. CUSTODY ;

Matter Continued; Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest

Deferred Ruling; Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest

Journal Entry Details:

*Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). This is the time set for hearing on Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest. On July 23, 2015, the Nevada Supreme Court reversed Mr. Barral's convictions and granted him a new trial due to the Court committing structural error by failing to administer the oath to the potential jury panel. Court noted that at the prior hearing back on September 14, 2016, the Court ORDERED, Deft. to be REMANDED to the Clark County Detention Center (CCDC) but apparently he was transported back to High Desert prison. Colloquy; Court advised that it would not GRANT an O.R. Release based on the pleadings but would ORDER that the Deft. be returned to CCDC. The Deft. was convicted by an impartial jury but the Judgment of Conviction, pursuant to a Jury Verdict, was reversed by the Supreme Court based on a technicality so the Court will not release the Deft. at this time but will hear argument on the Motion. Mr. Castillo advised that the Defense would prefer to reserve argument on the Motion until such time as the Deft. can be present. COURT ORDERED, matter CONTINUED; State to prepare a transport order. NDC CONTINUED TO: 10/17/16 8:00 AM ;*

10/26/2016



**Decision** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

*Decision: Remanding Deft. to the Clark County Detention Center (CCDC)*

Decision Made; Remanding Deft. to the Clark County Detention Center (CCDC)

Journal Entry Details:

*The Deft.'s Motion for Own Recognizance Release or, in the Alternative, reasonable Bail and/or House Arrest came before this Court on the October 17, 2016, oral calendar. The Court heard argument from Defense Counsel as well as the State. The Court DENIED Deft.'s request for an Own Recognizance Release but in the Alternative set bail at \$250,000 with House Arrest. In light of the Supreme Court's recent Order to Reverse and Remand the case, this Court hereby ORDERS the Defendant, Dustin Barral, be REMANDED to custody at the Clark County Detention Center (CCDC) so as to more easily facilitate his appearance at future court dates. Furthermore, in light of the Supreme Court's Reversal, the Deft. is once again cloaked in the shroud of innocence and CCDC is the only appropriate place for him. CUSTODY CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of Michael Castillo, Esq., (Las Vegas Defense Group, LLC). ;*

05/22/2017



**Request** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

*State's Request for Entry of Plea*

## MINUTES

Plea Entered; State's Request for Entry of Plea

Journal Entry Details:

*Kelsey Einhorn, Dep DA, and Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present. This matter was placed on calendar at the Request of the State for Entry of Plea. Conference at the Bench; Court trailed matter for Mr. Jobe to appear. MATTER RECALLED: Ms. Jobe, Mr. Castillo, and Deft. are present. Second Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations: the Deft. will plead guilty to one Count of Attempt Sexual Assault with a Minor under Fourteen Years of Age (F) and one Count of Child Abuse, Neglect, or Endangerment (F) pursuant to Alford. The State will retain the right to argue including for consecutive time between Counts. DEFT. BARRAL ARRAIGNED and PLED GUILTY PURSUANT TO ALFORD to COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F). Offer of proof provided by the State. Court ACCEPTED Deft.'s plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. COURT FURTHER ORDERED, trial dates VACATED. CUSTODY 09/18/17 8:00 AM SENTENCING ;*

05/31/2017



**CANCELED Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

*Vacated - per Judge*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-10-269095-1**


06/05/2017	<b>CANCELED Jury Trial</b> (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
09/18/2017	 <b>Sentencing</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) Defendant Sentenced; Journal Entry Details: <i>Michelle Jobe, Chf Dep DA, present on behalf of the State and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present. Mr. Castillo advised that he provided several character letters for the Deft. as well as a Sentencing Memorandum for the Court's consideration. The Court reviewed same. Exhibits in Support of Sentencing for Dustin James Barral FILED IN OPEN COURT. Ms. Jobe advised that the State provided a Sentencing Memorandum as well as a video of the forensic interview of the 4-year-old. DEFT. BARRAL ADJUDGED GUILTY of COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F). Matter argued and submitted by Ms. Jobe; the State is requesting that the Court max the Deft. out on both Counts. Argument by Mr. Castillo; the Deft. entered an Alford plea and Mr. Castillo would request that the Court follow the recommendation of Parole and Probation (P&amp;P) for the reasons stated on the record. Mr. Castillo advised that two (2) evaluations were completed; one by JoAnn Lujan and the other by John Pacult, he discussed the conclusions of said evaluations. Sworn Victim Impact statements given. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, and the \$3.00 DNA Collection fee. as to COUNT 1, Deft. SENTENCED to a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2, Deft. SENTENCED to a MAXIMUM of SEVENTY-TWO (72) MONTHS and a MINIMUM of TWENTY-EIGHT (28) MONTHS in NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE TERM is a MAXIMUM of THREE HUNDRED TWELVE (312) MONTHS and a MINIMUM of ONE HUNDRED TWENTY-FOUR (124) MONTHS. Deft. has ONE THOUSAND FIVE HUNDRED SEVENTY-FOUR (1,574) DAYS credit for time served. COURT FURTHER ORDERED in accordance with NRS 179D.460, Deft. to register as a sex offender within FORTY-EIGHT (48) HOURS after sentencing or release from custody and a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole, or imprisonment. BOND, if any, EXONERATED ;</i>
11/16/2020	 <b>Motion</b> (1:45 PM) (Judicial Officer: Silva, Cristina D.) <b>11/16/2020, 12/07/2020</b> <i>Motion for Judicial Action on Motion to Correct Illegal Sentence</i> Matter Continued; Motion for Judicial Action on Motion to Correct Illegal Sentence Denied; Matter Continued; Motion for Judicial Action on Motion to Correct Illegal Sentence Denied; Journal Entry Details: <i>Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney John Torre present on behalf of the State. COURT STATED the Defendant filed a Motion to Correct Illegal Sentence, and then filed a Motion to Withdraw his Attorney, and another Motion to Correct Illegal Sentence. Upon Court's inquiry, Mr. Castillo stated he received courtesy copies of the Motions, however he has not spoken with the Defendant, and requested the Motion to Withdraw of Attorney be granted. COURT ORDERED, the Motion to Withdraw Attorney of Record is GRANTED, and taken OFF CALENDAR on December 7, 2020. COURT FURTHER ORDERED, the instant Motion CONTINUED to be heard the same day as the Defendant's other Motion to Correct Illegal Sentence, and the Court can verify if the Motions are duplicative, adding if they are, the State does not need to file a supplemental Opposition. NDC 12/7/2020 1:45 P.M. MOTION FOR JUDICIAL ACTION ON MOTION TO CORRECT ILLEGAL SENTENCE... DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE... CLERK'S NOTE: This Minute Order has been sent to: Dustin Barral #1108615, 1200 Prison Rd, Lovelock, Nevada 89419. (11-16-2020 ks);</i>
12/07/2020	<b>CANCELED Motion for Withdrawal</b> (1:45 PM) (Judicial Officer: Silva, Cristina D.) <i>Vacated</i> <i>Defendant's Pro Per Motion for Withdrawal of Attorney of Record</i>
12/07/2020	<b>Motion</b> (1:45 PM) (Judicial Officer: Silva, Cristina D.)



EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-10-269095-1**

	<p><i>Defendant's Pro Per Motion to Correct Illegal Sentence</i> Denied;</p>
12/07/2020	<p> <b>All Pending Motions</b> (1:45 PM) (Judicial Officer: Silva, Cristina D.)  <i>DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE...MOTION FOR JUDICIAL ACTION ON MOTION TO CORRECT ILLEGAL SENTENCE...</i>  Matter Heard;  Journal Entry Details:  <i>Jennifer Clemons, Esq. present via Bluejeans video conference. Deft. not present.</i>  <i>DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE...MOTION FOR JUDICIAL ACTION ON MOTION TO CORRECT ILLEGAL SENTENCE... The Court reviewed Deft.'s Motion. COURT STATED ITS FINDINGS; ORDERED, Pro Per Motion to Correct Illegal Sentence DENIED; Motion for Judicial Action on Motion to Correct Illegal Sentence DENIED. NDC;</i></p>
01/20/2021	<p><b>CANCELED Motion</b> (11:00 AM) (Judicial Officer: Silva, Cristina D.)  <i>Vacated - Moot</i>  <i>Motion for Telephonic Hearing</i></p>

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Barral, Dustin James	
Total Charges	175.00
Total Payments and Credits	175.00
<b>Balance Due as of 1/22/2021</b>	<b>0.00</b>

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JENNIFER CLEMONS  
Chief Deputy District Attorney  
Nevada Bar #010081  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

DUSTIN JAMES BARRAL,  
#2755494

Defendant.

CASE NO: C-10-269095-1

DEPT NO: IX

**ORDER DENYING DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL  
SENTENCE AND MOTION FOR JUDICIAL ACTION ON MOTION TO  
CORRECT ILLEGAL SENTENCE**

DATE OF HEARING: December 7, 2020  
TIME OF HEARING: 1:45 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the  
7th day of December, 2020, the Defendant not being present, IN PROPER PERSON, the  
Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through  
JENNIFER CLEMONS, Chief Deputy District Attorney via Bluejeans video conference,  
without argument, based on the pleadings and good cause appearing therefor,

///

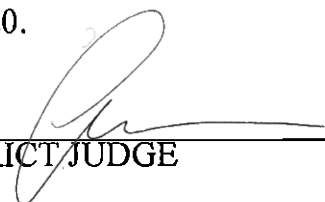
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IT IS HEREBY ORDERED that the Defendant's Motions, shall be, and it is DENIED.  
Dated this 18th day of December, 2020  
DATED this \_\_\_\_\_ day of December, 2020.

  
\_\_\_\_\_  
DISTRICT JUDGE EC

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

53B 6E4 2D6C 9F66  
Cristina D. Silva  
District Court Judge

BY   
\_\_\_\_\_  
JENNIFER CLEMONS  
Chief Deputy District Attorney  
Nevada Bar #010081

10F14936X/mlb/SVU



1 **CSERV**

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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6 State of Nevada

CASE NO: C-10-269095-1

7 vs

DEPT. NO. Department 9

8 Dustin Barral  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order Denying Motion was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/18/2020

15 Michael Becker

michael@702defense.com

16 Michelle Jobe

michelle.job@clarkcountyda.com

17 Michael Castillo

michael.castillo@702defense.com

18 Jennifer Garcia

jennifer.garcia@clarkcountyda.com

19 Heather Ungermann

ungermannh@clarkcountycourts.us

20

21

22

23

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 01, 2010**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**December 01, 2010      10:30 AM      Initial Arraignment**

**HEARD BY:** De La Garza, Melisa

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Nicole McDevitt  
                         Kristen Brown

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Langford, Robert L	Attorney
	Robinson, Lynn M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. BARRAL ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial.

BOND

5/18/11 8:30 AM CALENDAR CALL (DEPT. 8)

5/23/11 10:30 AM JURY TRIAL (DEPT. 8)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

## COURT MINUTES

April 25, 2011

C-10-269095-1                      State of Nevada  
vs  
Dustin Barral

<b>April 25, 2011</b>	<b>8:00 AM</b>	<b>Motion to Continue Trial</b>	<b>Notice of Motion and Motion to Continue Trial</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

## PARTIES

**PRESENT:** Langford, Robert L Attorney  
State of Nevada Plaintiff  
Wong, Hetty O. Attorney

## JOURNAL ENTRIES

- Counsel requested a two day continuance as Ms. Luzaich with the State is unavailable. Court advised it will be out of the jurisdiction as that time and ORDERED, matter CONTINUED.

## BOND

05-02-11 8:00 AM DEFT'S MOTION TO CONTINUE TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 02, 2011**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

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<b>May 02, 2011</b>	<b>8:00 AM</b>	<b>Motion to Continue Trial</b>	<b>Notice of Motion and Motion to Continue Trial</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Langford, Robert L	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- COURT ORDERED, motion GRANTED. Trial date is VACATED and RESET.

BOND

08-24-11 8:00 AM CALENDAR CALL

08-29-11 10:30 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 18, 2011**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

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<b>July 18, 2011</b>	<b>8:00 AM</b>	<b>Motion to Continue</b>	<b>Motion to Continue Calendar Call and Jury Trial</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- State advised of non-opposition and noted trial length of 3-4 days. COURT ORDERED, motion GRANTED. Trial date VACATED and RESET.

BOND

11-02-11 8:00 AM CALENDAR CALL

11-07-11 10:30 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 02, 2011**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**November 02, 2011      8:00 AM      Calendar Call**

**HEARD BY:** Thompson, Charles

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- State advised case is close to negotiations and noted evaluation needed to be completed prior to change of plea. COURT ORDERED, trial date VACATED and matter SET for status check regarding possible negotiations.

BOND

11-16-11 8:00 AM STATUS CHECK: NEGOTIATIONS/RESETTING OF TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 16, 2011**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**November 16, 2011      8:00 AM      Status Check      Status Check:  
Negotiations/Resettin  
g of Trial**

**HEARD BY:** Smith, Douglas E.      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber  
Nancy Tibbetts

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Matter recalled. State advised an evaluation is needed and requested a continuance. Matter recalled. Counsel present and stated no opposition. COURT ORDERED, matter CONTINUED.

BOND

12-14-11 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 14, 2011**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**December 14, 2011      8:00 AM      Status Check      Status Check:  
Negotiations/Resetting of Trial**

**HEARD BY:** Smith, Douglas E.      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Parties advised Deft. is scheduled for evaluation on December 31, 2011 for purpose of negotiations and requested continuance.

**BOND**

01-11-12 8:00 AM Status Check: Negotiations/Resetting of Trial



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 11, 2012**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**January 11, 2012**

**8:00 AM**

**Status Check**

**Status Check:  
Negotiations/Resettin  
g of Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber  
Nancy Tibbetts

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Becker, Michael L, ESQ	Attorney
	Herbert, Jennifer M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Counsel advised doctor would not release report until Deft. had paid and requested a continuance.  
COURT ORDERED, matter CONTINUED and Deft. to be present or bench warrant will be issued.

BOND

1/25/12 8:00 AM STATUS CHECK: NEGOTIATIONS/ RESETTING OF TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 25, 2012**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**January 25, 2012**

**8:00 AM**

**Status Check**

**Status Check:  
Negotiations/Resetting of Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

**JOURNAL ENTRIES**

- Counsel requested continuance as evaluation was received yesterday and time is needed to review.  
COURT ORDERED, matter CONTINUED. Parties to provide the Court with copy of evaluation.

BOND

02-22-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 22, 2012**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**February 22, 2012**

**8:00 AM**

**Status Check**

**Status Check:  
Negotiations/Resettin  
g of Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Clowers, Shanon	Attorney
	State of Nevada	Plaintiff
	Young, Daniel Thomas	Attorney

**JOURNAL ENTRIES**

- At the request of parties, COURT ORDERED, matter CONTINUED.

BOND

03-07-12 8:00 AM Status Check: Negotiations/ Resetting of Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 07, 2012**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**March 07, 2012      8:00 AM      Status Check      Status Check:  
Negotiations/Resettin  
g of Trial**

**HEARD BY:** Smith, Douglas E.      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- State advised matter had not resolved. COURT ORDERED, matter SET for trial.

BOND

10-10-12 8:00 AM CALENDAR CALL

10-15-12 10:30 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 10, 2012**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**October 10, 2012      8:00 AM      Calendar Call**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Tia Everett

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Lisa Luzaich, Deputy District Attorney, present on behalf of Defendant. Defendant present out of custody and represented by Michael Castillo Esq. on behalf of Michael Becker Esq.

Ms. Luzaich advised defense filed a motion to continue the trial as they will be in trial in California. MATTER TRAILED for defense counsel. RECALLED. Mr. Castillo advised he will submit on Mr. Becker's declaration. Upon Court's inquiry, Ms. Luzaich advised she objects to the continuance, however, she understands the continuance as Mr. Becker will be in California. COURT ORDERED, Defendant's Motion to Continue Trial GRANTED; trial date VACATED and RESET. FURTHER ORDERED, 10/15/2012 date for motion to continue VACATED.

BOND

3/13/2013 8:00 AM CALENDAR CALL

3/18/2013 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 13, 2013**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**March 13, 2013      8:00 AM      Calendar Call**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Matter recalled. State advised ready. Counsel advised not ready as Mr. Becker is currently in trial and requested continuance to the following week of this stack. State advised their witness officer is not available that week. COURT ORDERED, trial date VACATED and RESET. Parties advised trial length of one week. COURT SO NOTED.

BOND

04-03-13 8:00 AM CALENDAR CALL

04-08-13 9:30 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 03, 2013**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**April 03, 2013      8:00 AM      Calendar Call**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- State advised ready with approximately 9 witnesses and trial length of 4 days. Defense advised ready with 1-2 witnesses. Colloquy regarding trial start time. COURT ORDERED, trial date STANDS.

BOND

04-08-13 1:00 PM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 10, 2013**

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

**April 10, 2013****8:00 AM****Status Check**

**STATUS CHECK:  
RESETTING OF  
TRIAL**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court advised the trial had to be continued as Ms. Luzaich's other trial ran longer than expected, pointed out no Senior Judge was available to hear the trial and noted it would be out of the country. Court inquired whether parties wanted case to be sent to Overflow. State advised they had called off their out of state witnesses. CONFERENCE AT THE BENCH. Court instructed counsel to contact witnesses regarding their availability for new trial setting and if they are unavailable, parties to place matter on the calendar of Judge Adair for new trial setting. Ms. Luzaich stated if there was a problem with the trial date, counsel will advise the hearing judge of the next trial date of July 29th. COURT SO NOTED and ORDERED, trial date SET.

**BOND**



**C-10-269095-1**

05-22-13 8:00 AM CALENDAR CALL

05-28-13 9:30 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 22, 2013**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**May 22, 2013                      8:00 AM                      Calendar Call**

**HEARD BY:** Smith, Douglas E.                      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court advised it had a murder trial and ORDERED, matter REFFERRED to Overflow with the caveat, if the murder trial is continued, this case will return to this department for trial. Trial date VACATED.

**BOND**

05-24-13 8:45 AM OVERFLOW(8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 24, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**May 24, 2013****8:00 AM****Status Check****STATUS CHECK:  
TRIAL SETTING****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Becker stated this reeks of forum shopping by the State. Court advised it is not forum shopping as all are trying to find someone/anyone to hear the trial. Ms. Fleck advised they did not care who hear the trial. Mr. Becker requested this Court find another court to hear the trial not the State. Statement by Ms. Fleck regarding medical records. Matter recalled. Court advised it would hear the trial as its murder trial will trail this case and ORDERED, medical information is to be provided. Parties advised trial length of 3 days. FURTHER, trial date SET.

**BOND**

05-28-13 9:30 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 24, 2013**

---

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**May 24, 2013**

**8:45 AM**

**Overflow**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Carol Donahoo

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Michelle Edwards, Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

State and Defense announced ready; however, the Court advised there is no Department available to hear the trial in this matter and, therefore, ORDERED, matter REFERRED back to the originating Department for status check.

Additionally, Court directed counsel to contact Department VIII later today as there is a chance the trial could go forward in that Department as scheduled.

**BOND**

05/29/13 8:00 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 28, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**May 28, 2013      9:30 AM      Jury Trial - FIRM**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft's Request Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069. State placed offer given to Deft. on the record. Statement by Mr. Becker. Colloquy regarding 385 Hearings. Jury Alternates selected. POTENTIAL JURY PANEL PRESENT. Voir Dire begins. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Defense's Batson Challenge. Argument by the State noting Deft's S.C.O.P.E. reflects Deft's race as being White not Latino. Further arguments by counsel. Court stated its findings and ORDERED, challenge DENIED as no racial basis was found. POTENTIAL JURY PRESENT. Voir Dire continues. JURY SELECTED. OUTSIDE THE PRESENCE OF THE JURY. Evening recess.

05-29-13 10:00 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 29, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**May 29, 2013      10:00 AM      Jury Trial - FIRM**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069 FILED IN OPEN COURT. Argument by the State. Argument by counsel. 51.385 Hearing held and testimony presented. Court stated its findings and advised child will be allowed to testify before the jury. JURY PRESENT and SWORN. Clerk read the information to the Jury. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel. Colloquy regarding scheduling, jury instructions and next 51.385 hearing. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Evening recess. OUTSIDE THE

PRESENCE OF THE JURY.

05-30-13 9:00 AM TRIAL BY JURY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 30, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**May 30, 2013      9:00 AM      Jury Trial - FIRM**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Amended Information FILED IN OPEN COURT. OUTSIDE THE PRESENCE OF THE JURY. 51.385 Hearing held and testimony presented. Court stated its findings and advised detective's testimony will be presented to the jury. Argument/objection by counsel. Argument by the State. Court advised once more, the detective s testimony and the cd interview will be allowed. 51.385 Hearing held and testimony presented. Statement by the parties. Court stated its findings and advised statements made to Megan will be allowed. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court advised the Deft. of his right to testify or not to testify. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel regarding. Partial playback of testimony and questions proffered. Further

arguments by counsel. JURY PRESENT. Testimony and exhibits presented. (See worksheets)  
OUTSIDE THE PRESENCE OF THE JURY. Argument by the State. Evening recess.

05-31-13 9:00 AM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 31, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**May 31, 2013****9:00 AM****Jury Trial****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Billie Jo Craig**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	State of Nevada	Plaintiff
	Wolfson, Steven B	Attorney

**JOURNAL ENTRIES**

- Deputy District Attorney Michelle Fleck present.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict form SETTLED IN OPEN COURT. The Court advised Defendant of his right to testify on his own behalf. Defendant stated he understood. JURY PRESENT: Counsel stipulated to the presence of the Jury. At the hour of 9:44 AM, the State RESTED. At the hour of 9:44 AM, defense RESTED. The Court instructed the Jury on the laws which applied to the case. Closing Arguments by Ms. Fleck. Closing Arguments by Mr. Becker. Rebuttal Arguments by Ms. Edwards. Bailiff and Matron sworn to keep the Jury. At the hour of 12:00 PM the Jury retired to deliberate. At the hour of 3:00 PM, the Jury returned with a verdict of GUILTY OF CTS. 1 AND 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) . Jury polled. Court thanked and excused the Jury.

COURT ORDERED, defendant REMANDED WITHOUT BAIL. Matter referred to P & P and set for

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sentencing.

CUSTODY

8/12/13 8:00 AM SENTENCING

CLERK'S NOTE: The Minutes corrected to reflect a correct Sentencing date of 8/12/13 at 8:00 AM. The date given in Court was an incorrect date and the Judge was unavailable. Counsel notified by phone and by a copy of the Minutes. BJC

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:  
Deputy District Attorneys Michelle Fleck and Michelle Edwards (District Attorney's Office); Michael Becker and Michael Castillo, Esq. (702 Defense).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 17, 2013**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

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<b>June 17, 2013</b>	<b>8:00 AM</b>	<b>Motion</b>	<b>Defendant's Motion for Acquittal or in the Alternative a New Trial</b>
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**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- State requested continuance in order to file a response. COURT ORDERED, matter CONTINUED.

CUSTODY

07-08-13 8:00 AM Defendant's Motion for Acquittal or in the Alternative a New Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 08, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**July 08, 2013      8:00 AM      Motion**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Shelly Landwehr**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Castillo argued regarding grounds #1 and #2, arguing the State was required to prove penetration in that the case hinged on Jocelyn's testimony using the words dig or dug and that alone is not-sufficient as to penetration. Further, there was conflicting evidence presented between Meagan, in terms of the baby monitor, and Jocelyn's testimony.

Mr. Becker argued regarding ground #3 stating that the NRS regarding oaths to jury venires; that was not done and it was brought to the attention of the Court and it preserved the issue as an objection.

Ms. Edwards argued as to conflicting evidence stating counsel is only relying on testimony regarding the monitor, there is no testimony that she didn't fall asleep or otherwise. As to the oath issue, there are two oaths in a trial, this relies and centers upon whether it was given before voir dire started there was a bench bar about that and the site they referenced addresses the actual jury panel, not the jury venire. The jury is the finder of fact and they found her words to constitute penetration.

Court stated it does not swear a jury in until after they come back and evidence starts in case somebody doesn't show up we can we do not then have to declare a mistrial but we can call other potential jurors up and finish the voir dire process. Court stated it had analyzed the cases presented and does not find a reason to override the jury decision. Defendant got a fair trial and was represented zealously by two attorneys. COURT ORDERED, motion DENIED. State to prepare findings of facts and conclusions of law consistent with their opposition.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 12, 2013**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

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**August 12, 2013      8:00 AM      Sentencing**

**HEARD BY:** Smith, Douglas E.      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Louisa Garcia  
                         Katrina Hernandez

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Lavell, Maria	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Castillo noted the Pre-Sentence Investigation Report is not ready yet, informed he spoke to Deputy D.A. Michelle Fleck, and requested a Sentencing date in September prior to the 20th. COURT ORDERED, Sentencing CONTINUED.

CUSTODY

9/18/13 8:00 AM SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 18, 2013**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**September 18, 2013      8:00 AM      Sentencing**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Louisa Garcia  
Katrina Hernandez

**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

<b>PRESENT:</b>	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- By virtue of Jury Verdict, DEFENDANT BARRAL ADJUDGED GUILTY of COUNTS 1 & 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Arguments by Counsel. Victim Impact Statements given. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and Restitution in the amount of \$1,890.00, Deft. SENTENCED on Count 1, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS, and on Count 2, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 1, with ONE HUNDRED ELEVEN (111) DAYS credit for time served.

COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION to commence

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upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody.

BOND, if any, EXONERATED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 14, 2016**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

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<b>September 14, 2016</b>	<b>8:00 AM</b>	<b>Motion</b>	<b>State's Notice to Place on Calendar for the Purpose of Setting a Trial Date</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Michelle, Jobe, Chf Dep DA, present on behalf of the State; Michael Castillo, Esq., and Adam Solinger, Esq., present on behalf of Deft. Barral, who is also present.

The State placed this matter on calendar for the purpose of setting a trial date. Additionally, Ms. Jobe advised that Deft.'s bail also needs to be addressed. Court advised that it did not receive a bail motion; colloquy. If the Deft. wants his bail addressed, he must file a motion and then the State may respond.

Mr. Castillo requested that the Deft. be REMANDED to the Clark County Detention Center (CCDC). COURT SO ORDERED; FURTHER, matter set for trial.

NDC

05/31/17 8:00 AM CALENDAR CALL

**C-10-269095-1**

06/05/17 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 26, 2016**

C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

<b>September 26, 2016</b>	<b>8:00 AM</b>	<b>Motion</b>	<b>Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest. On July 23, 2015, the Nevada Supreme Court reversed Mr. Barral's convictions and granted him a new trial due to the Court committing structural error by failing to administer the oath to the potential jury panel.

Court noted that at the prior hearing back on September 14, 2016, the Court ORDERED, Deft. to be REMANDED to the Clark County Detention Center (CCDC) but apparently he was transported back to High Desert prison. Colloquy; Court advised that it would not GRANT an O.R. Release based on the pleadings but would ORDER that the Deft. be returned to CCDC. The Deft. was convicted by an

impartial jury but the Judgment of Conviction, pursuant to a Jury Verdict, was reversed by the Supreme Court based on a technicality so the Court will not release the Deft. at this time but will hear argument on the Motion. Mr. Castillo advised that the Defense would prefer to reserve argument on the Motion until such time as the Deft. can be present. COURT ORDERED, matter CONTINUED; State to prepare a transport order.

NDC

CONTINUED TO: 10/17/16 8:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 17, 2016**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

<b>October 17, 2016</b>	<b>7:30 AM</b>	<b>Motion</b>	<b>Deft.'s Motion for Own recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Debbie Winn**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Michelle Jobe, Chf Dep DA, present on behalf of the State and Michael Castillo, Esq., appearing on behalf of Michael Becker, Esq., for Deft. Barral, who is also present.

This is the time set for hearing on Deft.'s Motion for Own Recognizance Release or, in the Alternative, Reasonable Bail and/or House Arrest. Mr. Castillo advised that the Deft. is requesting that bail be set at \$50,000 with the added condition of House Arrest. Mr. Castillo believes the Deft. meets the statutory conditions for setting of reasonable bail based upon the factors set forth on pages 8 and 9 of their motion; Deft. has no prior criminal record, he is not a flight risk, he has family in the community who would attest to his character, he would reside with his mother in her home, and there would be no minors or anyone else present in the home. Additionally, the Deft. has a good prior employment history and has a job waiting for him upon setting of bail, he made all of his required court appearances, and there were no violations of the terms and conditions of his release. Deft. is constitutionally entitled to a bail setting; therefore, under the circumstances, \$50,000 with House

Arrest is appropriate.

Court noted that, unlike most cases, it has seen the evidence; colloquy. Ms. Jobe advised that the Deft.'s position has substantially changed since he was previously out of custody. There was a trial and the Jury found the Deft. guilty of two Counts of Sexual Assault with a Minor under Fourteen Years of Age. The most compelling piece of evidence was the video of the forensic interview with the 4-year-old child describing what the Deft. did to her. There is a substantial likelihood of another guilty verdict and the Deft. is facing thirty-five (35) years to Life. Since the Deft. has now had a taste of prison, Ms. Jobe believes he is a greater flight risk than before. Therefore, the State would request that bail be set in the amount of \$500,000, with House Arrest and a no-contact order with any minors, including his own children. COURT ORDERED, BAIL shall be set at \$125,000 EACH Count for a TOTAL of \$250,000, with House Arrest and no contact with minor children.

Ms. Castillo requested that the Deft. be REMANDED to the Clark County Detention Center (CCC) if he does not make bail. The Deft. is under the presumption of innocence, the conviction was overturned, and given that presumption if he is not able to make the bail, CCDC is the only appropriate place for him. COURT FURTHER ORDERED, decision DEFERRED, the Court will review this matter and prepare a formal written minute order.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 26, 2016**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

<b>October 26, 2016</b>	<b>8:00 AM</b>	<b>Decision</b>	<b>Remanding Deft. to the Clark County Detention Center (CCDC)</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Deft.'s Motion for Own Recognizance Release or, in the Alternative, reasonable Bail and/or House Arrest came before this Court on the October 17, 2016, oral calendar. The Court heard argument from Defense Counsel as well as the State. The Court DENIED Deft.'s request for an Own Recognizance Release but in the Alternative set bail at \$250,000 with House Arrest. In light of the Supreme Court's recent Order to Reverse and Remand the case, this Court hereby ORDERS the Defendant, Dustin Barral, be REMANDED to custody at the Clark County Detention Center (CCDC) so as to more easily facilitate his appearance at future court dates. Furthermore, in light of the Supreme Court's Reversal, the Deft. is once again cloaked in the shroud of innocence and CCDC is the only appropriate place for him.

**CUSTODY**

**CLERK'S NOTE:** A copy of this minute order was placed in the attorney folder of Michael Castillo, Esq., (Las Vegas Defense Group, LLC).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 22, 2017**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**May 22, 2017****8:00 AM****Request****State's Request for  
Entry of Plea****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Kelsey Einhorn, Dep DA, and Michelle Jobe, Chf Dep DA, present on behalf of the State; Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

This matter was placed on calendar at the Request of the State for Entry of Plea. Conference at the Bench; Court trailed matter for Mr. Jobe to appear.

MATTER RECALLED: Ms. Jobe, Mr. Castillo, and Deft. are present. Second Amended Information and Guilty Plea Agreement FILED IN OPEN COURT. Negotiations: the Deft. will plead guilty to one Count of Attempt Sexual Assault with a Minor under Fourteen Years of Age (F) and one Count of Child Abuse, Neglect, or Endangerment (F) pursuant to Alford. The State will retain the right to argue including for consecutive time between Counts.

DEFT. BARRAL ARRAIGNED and PLED GUILTY PURSUANT TO ALFORD to COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F). Offer of proof provided by the State. Court ACCEPTED Deft.'s plea and ORDERED, matter referred to the Division of Parole and Probation (P&P) and SET for sentencing. COURT FURTHER ORDERED, trial dates VACATED.

**C-10-269095-1**

CUSTODY

09/18/17 8:00 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 18, 2017**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

---

**September 18, 2017      8:00 AM      Sentencing**

**HEARD BY:**    Smith, Douglas E.

**COURTROOM:**    RJC Courtroom 11B

**COURT CLERK:**    Carol Donahoo

**RECORDER:**    Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Michelle Jobe, Chf Dep DA, present on behalf of the State and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

Mr. Castillo advised that he provided several character letters for the Deft. as well as a Sentencing Memorandum for the Court's consideration. The Court reviewed same. Exhibits in Support of Sentencing for Dustin James Barral FILED IN OPEN COURT. Ms. Jobe advised that the State provided a Sentencing Memorandum as well as a video of the forensic interview of the 4-year-old.

DEFT. BARRAL ADJUDGED GUILTY of COUNT 1 - ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) and COUNT 2 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (F). Matter argued and submitted by Ms. Jobe; the State is requesting that the Court max the Deft. out on both Counts. Argument by Mr. Castillo; the Deft. entered an Alford plea and Mr. Castillo would request that the Court follow the recommendation of Parole and Probation (P&P) for the reasons stated on the record. Mr. Castillo advised that two (2) evaluations were completed; one by JoAnn Lujan and the other by John Pacult, he discussed the conclusions of said evaluations. Sworn Victim Impact statements given.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA

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Analysis fee including testing to determine genetic markers, and the \$3.00 DNA Collection fee. as to COUNT 1, Deft. SENTENCED to a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2, Deft. SENTENCED to a MAXIMUM of SEVENTY-TWO (72) MONTHS and a MINIMUM of TWENTY-EIGHT (28) MONTHS in NDC, CONSECUTIVE to COUNT 1, for an AGGREGATE TERM is a MAXIMUM of THREE HUNDRED TWELVE (312) MONTHS and a MINIMUM of ONE HUNDRED TWENTY-FOUR (124) MONTHS. Deft. has ONE THOUSAND FIVE HUNDRED SEVENTY-FOUR (1,574) DAYS credit for time served. COURT FURTHER ORDERED in accordance with NRS 179D.460, Deft. to register as a sex offender within FORTY-EIGHT (48) HOURS after sentencing or release from custody and a SPECIAL SENTENCE of LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole, or imprisonment.

BOND, if any, EXONERATED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 16, 2020**

C-10-269095-1      State of Nevada  
vs  
Dustin Barral

**November 16, 2020      1:45 PM      Motion      Motion for Judicial  
Action on Motion to  
Correct Illegal  
Sentence**

**HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Kory Schlitz**RECORDER:** Gina Villani**REPORTER:****PARTIES**

**PRESENT:** Castillo, Michael V      Attorney

**JOURNAL ENTRIES**

- Defendant not present and in custody in the Nevada Department of Corrections; Deputy District Attorney John Torre present on behalf of the State.

COURT STATED the Defendant filed a Motion to Correct Illegal Sentence, and then filed a Motion to Withdraw his Attorney, and another Motion to Correct Illegal Sentence. Upon Court's inquiry, Mr. Castillo stated he received courtesy copies of the Motions, however he has not spoken with the Defendant, and requested the Motion to Withdraw of Attorney be granted. COURT ORDERED, the Motion to Withdraw Attorney of Record is GRANTED, and taken OFF CALENDAR on December 7, 2020. COURT FURTHER ORDERED, the instant Motion CONTINUED to be heard the same day as the Defendant's other Motion to Correct Illegal Sentence, and the Court can verify if the Motions are duplicative, adding if they are, the State does not need to file a supplemental Opposition.

NDC

12/7/2020 1:45 P.M. MOTION FOR JUDICIAL ACTION ON MOTION TO CORRECT ILLEGAL

PRINT DATE: 01/22/2021

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SENTENCE... DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE...

CLERK'S NOTE: This Minute Order has been sent to: Dustin Barral #1108615, 1200 Prison Rd, Lovelock, Nevada 89419. (11-16-2020 ks)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 07, 2020**

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C-10-269095-1      State of Nevada  
                                 vs  
                                 Dustin Barral

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**December 07, 2020      1:45 PM      All Pending Motions**

**HEARD BY:** Silva, Cristina D.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Ro'Shell Hurtado

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Jennifer Clemons, Esq. present via Bluejeans video conference. Deft. not present.

DEFENDANT'S PRO PER MOTION TO CORRECT ILLEGAL SENTENCE...MOTION FOR  
JUDICIAL ACTION ON MOTION TO CORRECT ILLEGAL SENTENCE...

The Court reviewed Deft.'s Motion. COURT STATED ITS FINDINGS; ORDERED, Pro Per Motion to  
Correct Illegal Sentence DENIED; Motion for Judicial Action on Motion to Correct Illegal Sentence  
DENIED.

NDC



STATE'S EXHIBITS

CASE NO. C 269095

[illegible]

DEFENDANT'S EXHIBITS

CASE NO. C 269095

[illegible]

COURT'S EXHIBITS

CASE NO. C269095

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

DUSTIN BARRAL #1108615  
1200 PRISON RD.  
LOVELOCK, NV 89419

DATE: January 22, 2021  
CASE: C-10-269095-1

**RE CASE:** STATE OF NEVADA vs. DUSTIN JAMES BARRAL

NOTICE OF APPEAL FILED: January 22, 2020

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; ORDER DENYING DEFENDANT'S PRO PER MOTION TO CORRECT  
ILLEGAL SENTENCE AND MOTION FOR JUDICIAL ACTION ON MOTION TO CORRECT  
ILLEGAL SENTENCE; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DUSTIN JAMES BARRAL,

Defendant(s).

Case No: C-10-269095-1

Dept No: IX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 22 day of January 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk